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November 25, 1997

The Honorable Joe Barton
Chairman, Subcommittee on Oversight and Investigations
Committee on Commerce
2125 Rayburn House Office Building
Washington, DC, 20515-6116

The Honorable Ron Klink
Ranking Member, Subcommittee on Oversight and Investigations
Committee on Commerce
2264 Rayburn House Office Building
Washington, DC, 20515-4306

Dear Chairman Barton and Representative Klink:

I am writing to request that the Subcommittee on Oversight and Investigations conduct hearings regarding the safety and security of nuclear materials at Department of Energy (DOE) facilities.

On October 14, 1997, I sent a letter to Energy Secretary Federico Pena detailing my concerns that the stores of plutonium and highly enriched uranium at DOE facilities may be inadequately safeguarded and that DOE may not be prepared to respond effectively to the threat of a theft or diversion of these materials. I have enclosed a copy of this letter. These concerns, based on information obtained from several DOE and DOD documents reviewing the adequacy of DOE safeguards and security, include the following:

- Reports that security officers at the Rocky Flats nuclear site have warned federal investigators that security at this facility "is so flawed that terrorists from inside or out could steal plutonium to make a bomb", that members of anti-government militia groups have tried to recruit members from within the site's security guard force, and that uncleared personnel have been granted access to the facility;
- Reports that Los Alamos National Laboratory is "unable to determine alarm rates, alarm reliability, necessary response and seriousness of alarm notification;"
- Reports that the Lawrence Livermore National Laboratory has received marginal safety ratings in several safety categories such that "special nuclear materials and vital assets are at increased risk, as well as personnel safety for exercise participants and the public."

The Honorable Joe Barton
The Honorable Ron Klink
November 25, 1997
Page 2

In its preliminary response to my letter, DOE officials briefed my staff on the status of safeguards and security at nuclear sites. While they maintain that the Department is taking some steps to correct these deficiencies, they admitted that many of the issues raised in my letter continue to be a problem. Some of the DOE documents obtained by my office also suggest that there has existed considerable disagreement within DOE regarding the cause and extent of the problem. I believe that oversight hearings by the Subcommittee could help ensure that these issues are thoroughly addressed and corrected.

During the 1980s, the Commerce Committee's Oversight and Investigations Subcommittee took the lead in uncovering inadequate safeguards and security at sensitive DOE nuclear weapons facilities, holding numerous oversight hearings that resulted in a number of improvements in the safety of nuclear materials at DOE sites. It is my understanding, however, that the Subcommittee has not conducted a hearing on this issue since 1994. In light of the problems outlined in the attached letter and by various press reports, including recent reports by CBS Evening News and USA Today (enclosed), I urge you to focus the Subcommittee's investigative resources on this serious matter so that Congress can determine whether the DOE is taking adequate steps to respond to the problem.

Thank you for your consideration of this matter. If you have any questions, please have your staff contact Dr. Michal Freedhoff or Mr. Jeff Duncan of my staff at x-52836.

Sincerely,


Edward J. Markey

Enclosures

cc: The Honorable Tom Bliley, Chairman, Commerce Committee
The Honorable John D. Dingell, Ranking Member, Commerce Committee
The Honorable Dan Schaefer, Chairman, Energy and Power Subcommittee
The Honorable Ralph M. Hall, Ranking Member, Energy and Power Subcommittee